

REMARKS

The Examiner first objects to the Specification in that the title of invention is not descriptive. Applicants are not opposed to the title suggested by the Examiner and thank him for his helpful suggestion. Applicants amend the title of invention in the Specification on Page 1 and on Page 20 (the Abstract page). Applicants submit replacement pages for page 1 and Page 20 (the Abstract) as part of a replacement specification that is included herein and which contains the new Title. Nothing that could be construed as being new matter is being introduced therein. Withdrawal of the objection to the Specification based upon the Title is respectfully requested.

The Examiner also objects to the drawings as failing to comply with 37 CFR §1.84(p)(5) because, first, the numeral 36 mentioned in the description is not shown in any figure. Applicants appreciate the Examiner noticing this inadvertent typographical error and amend Fig. 2 to put numeral 36 thereon. Numeral 36 is the receiver circuit as disclosed on page 10 of the original filed specification, line 21. Next, the Examiner noticed that numeral 20 is not mentioned anywhere in the specification but appears on Fig. 1. Again, Applicants' thank the Examiner for noticing this inadvertent typographical error. Applicants amend Fig. 1 by removing the only reference to numeral 20 therefrom. Finally, the Examiner noticed that Fig. 3 lacked many of its reference numerals of which all appear in the specification.

Applicants first amend Fig. 3 by putting the numeral 38 for the entire circuit shown therein (which is the UHF module of the receiver circuit 36) and numeral 40 for the receiver antenna (see Fig. 2). Secondly, Applicants insert the numeral 50 for the input network, numeral 52 for the mixer (or mixer circuit) and numeral 54 for the IF Amp or IF amplifier. Applicants greatly appreciate the Examiner pointing out that these numerals where inadvertently left off of Fig. 3. Applicants also appreciate the Examiner pointing out that these numerals should also be in the specification. Applicants therefore insert these numerals (50, 52 and 54) as well

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in the specification on the elements to which they associate. The exact insertions will be noted in the next paragraph herein under. However, Applicants point out now that the insertion of these numerals on Fig. 3 or in the specification can in no way be considered the introduction any new subject matter since their disclosure were previously set forth in the specification and on Fig. 3, but just merely lacking an associated identifying numeral. Accordingly, withdrawal of the objection to the Drawings is respectfully requested.

In correcting the inadvertent typographical errors pointed out by the Examiner, Applicants noticed a few more in the specification that warranted correction, but that in no way changes the scope of the disclosure, nor introduces any new subject matter. Applicants submit herewith a Marked-Up copy and a Clean Copy of the specification. However, when referencing the actual amendments, Applicants make such reference to the original filed specification.

The amendments to the specification include the Title on pages 1 and 20, as suggested by the Examiner; removal of the phrase "of which can be seen in more detail in Fig. 3" (page 9, lines 1 and 2), an inaccurate reference because of a typographical error; insertion of the word "it" (page 9, line 24), a grammatical error; removal of numeral 26 and replacement with numeral 22 (page 10, line 16), a typographical error; insertion of numeral 50 and the words "(see Fig. 3)" (page 10, line 23); insertion of numeral 50 (page 10, line 24); insertion of numeral 52 and words "as shown in Fig. 3" (page 11, line 7); insertion of the words "[w]ith continuing reference to Fig. 3," and numeral 52 (page 11, line 14); insertion of numeral 54 (page 11, line 18); insertion of the words "(within the integrated circuit of IF amp 54)" (page 11, lines 19-20); insertion of numeral 52 (page 11, line 24); insertion of numeral 52 (page 12, line 3); and deletion of the word "continuing" (page 12, line 8). None of these amendments can be construed as the introduction of any new subject matter.

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The Examiner rejects Claims 1-2, 5-9, 11, 13-15, 17 and 19-20 under 35 USC §102(b) as being anticipated by Borchardt et al. (6,215,981). This rejection is traversed. The Examiner sets forth in his action that regarding Claim 1, Borchardt discloses all of the elements of applicants' invention of Claim 1. Applicants amend Claim 1 to include the limitation of "said downconverting occurring only once and not requiring an intermediate carrier signal." A close review of Borchardt reveals that no such limitation is disclosed and therefore amended Claim 1 can not be anticipated under 35 USC §102. It is noted that this added limitation to amended Claim 1 is taken directly from Applicants' invention of Claim 12 and that the Examiner has not rejected Claim 12 (a claim dependent on Claim 1) as being anticipated by Borchardt under 35 USC §102. Accordingly, it can be said that the Examiner already tacitly agrees that amended Claim 1 can not possibly be anticipated by Borchardt. Further, Borchardt discloses an invention wherein two downconversions are employed (see column 16, lines 52-57) and an intermediate frequency is needed, in particular a 65MHz signal that is tuned (downconverted a second time) by tuning network 230 to a frequency that is reproducible by the transducers (see column 15, lines 17-31). For these reasons, withdrawal of the rejection to Claim 1 is respectfully requested.

As to Claim 2, it is dependent on amended Claim 1. And, it has been shown that amended Claim 1 is not anticipated under 35 USC §102. It therefore follows that Claim 2 can not possibly be anticipated either. Notwithstanding, Borchardt does not disclose a system for transmitting a modulated RF carrier audio signal from a base unit to a receiver unit having the novel and non-obvious elements of amended Claim 1 and wherein the audio processing circuit of the transmitting circuit first circuit comprises an auto level control amplifier circuit coupled to the pair of audio input connections, wherein the left and right audio frequency filtering and pre-emphasis circuits are coupled to the auto level control amplifier circuit, a stereo multiplexer IC is coupled to the left and right audio frequency filtering and pre-emphasis

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circuits, a UHF module is coupled to the stereo multiplexer IC, and the first antenna is coupled to the UHF module. Accordingly, withdrawal of the rejection to Claim 2 is respectfully requested.

As to Claim 5, it too is dependent on amended Claim 1. And, it has been shown that amended Claim 1 is not anticipated by Borchardt under 35 USC §102. It therefore follows that Claim 5 can not possibly be anticipated either. Notwithstanding, Borchardt, nor any other prior art reference, discloses a system for transmitting a modulated RF carrier audio signal from a base unit to a receiver unit having the novel and non-obvious elements of amended Claim 1, and wherein the power supply circuit and charge circuit of the transmitting circuit third circuit comprises a 12V DC adapter coupled to an AC power source and a voltage regulator is coupled to the 12V DC adapter for supplying a constant DC voltage to the transmitting circuit. It is noted that Claim 5 has been amended by Applicants. The word "source" has replaced "course" after the words "an AC power" since such use of the word "course" was an inadvertent typographical error. Also, "VC" should have been "DC". Clearly it can be seen that the correct words were intended to be "source" and "DC." For all of the reasons above, the rejection to Claim 5 should be withdrawn.

In regards to the rejection of Claim 6, it is dependent on Claim 2, which in turn depends on amended Claim 1. And, it has clearly been shown that neither Claim 2 nor amended Claim 1 is anticipated by Borchardt. It therefore follows that Claim 6 can not be anticipated under 35 USC §102. Notwithstanding, Borchardt fails to disclose a system for transmitting a modulated RF carrier audio signal from a base unit to a receiver unit having the novel and non-obvious elements of amended Claim 1, the additional limitations of Claim 2 and wherein the stereo multiplexer IC of the transmitting circuit first circuit outputs a stereo multiplexed audio modulated signal having left and right audio signals and a pilot tone signal. Therefore, withdrawal of the rejection is respectfully requested.

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As to Claim 7, it is dependent on Claim 6, which depends on Claim 2, which in turn is dependent on amended Claim 1. And it has been shown that amended Claim 1 (as well as Claims 2 and 6) are clearly not anticipated by Borchardt. Therefore, Claim 7 can not be anticipated under 35 UCS §102. Notwithstanding, Borchardt fails to disclose a system for transmitting a modulated RF carrier audio signal from a base unit to a receiver unit having the novel and non-obvious elements of amended Claim 1, the additional limitations of Claims 2 and 6 and wherein the pilot tone signal is 19KHz. Withdrawal of the rejection is respectfully requested.

As to Claim 8, it depends upon Claim 2 which depends from amended Claim 1. And again, it has been shown that neither amended Claim 1 nor Claim 2 are anticipated under 35 USC §102. Accordingly, Claim 8 can not be anticipated either. Notwithstanding, Borchardt fails to disclose a system for transmitting a modulated RF carrier audio signal from a base unit to a receiver unit having the novel and non-obvious elements of amended Claim 1 and the additional limitations of Claim 2 and wherein the UHF module of the transmitting circuit first circuit outputs a 912.5MHz RF carrier signal. Withdrawal of the rejection is respectfully requested.

Claim 9 also depends upon Claim 2 which is dependent of amended Claim 1. It has been clearly shown that amended Claim 1 is not anticipated by Borchardt. Therefore, Claim 9 can not be anticipated either since it only adds the further limitation that the first antenna transmits the modulated RF carrier signal. Applicants would therefore appreciate that the rejection to Claim 9 be, respectfully, withdrawn.

With regards to Claim 11, it is dependent on amended Claim 1 which has been shown to be novel under 35 USC §102. Accordingly, Claim 11 also has to be novel. Notwithstanding, Borchardt fails to disclose a system for transmitting a modulated RF carrier audio signal from a base unit to a receiver unit having the novel and non-obvious elements of

amended Claim 1, including that the transmitted RF carrier signal is only downconverted once and the system does not employ an intermediate carrier signal, as Borchardt does, and such that the transmitting circuit first circuit UHF module comprises a voltage controlled oscillator, a phase lock loop circuit and a radio frequency amplifier. For these reasons, the rejection to Claim 11 should be withdrawn.

The Examiner has also rejected Claim 14, the other independent claim in the application. Claim 14 has been amended to further distinguish it from Borchardt. In particular, the limitation that the system transmits, receives and reproduces an audio signal from a receiver unit base unit without the need of an IF signal has been added. The Examiner is reminded that Borchardt first downconverts the 900 MHz RF carrier signal to an intermediate frequency (IF) signal of around 65 MHz. That IF signal is then downconverted (tuned) a second time to a frequency in which its FM receiver can receive and reproduce on its transducers. Applicants' invention only downconverts once and does not employ an IF signal as now specified in amended Claim 14. Accordingly, it can not possibly be anticipated by under 35 USC §102. The rejection to Claim 14 is respectfully requested.

As to Claim 15, it depends on amended Claim 14 which has been shown not to be anticipated. Therefore, Claim 15 can not be anticipated either. Notwithstanding, Borchardt fails to disclose a system for transmitting a modulated RF carrier audio signal from a base unit to a receiver unit having the novel and non-obvious elements of amended Claim 14, including the single downconverter that does not need an IF signal, wherein said single downconverter comprises a frequency mixer, a local oscillator and a phase lock loop circuit. The Examiner has pointed to elements in Borchardt that he asserts are the same as Applicants elements. Applicants don't disagree that these elements seem to be present in Borchardt, but are in a system that downconverts twice and employs an IF signal. Applicants' invention does neither. Therefore it can not be anticipated under 35 USC §102 and the rejection should be withdrawn.

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As to Claim 17, it depends on Claim 15 which in turn depends upon amended Claim 14. And, it has been shown that amended Claim 14, as well Claim 15, is not anticipated. It therefore follows that Claim 17 can not be anticipated either. Notwithstanding, Borchardt fails to disclose a system for transmitting a modulated RF carrier audio signal from a base unit to a receiver unit having the novel and non-obvious elements of amended Claim 14, including the single downconverter that does not need an IF signal, and wherein the local oscillator, controlled by the phase lock loop circuit, produces a desired tunable frequency signal which is subsequently directed to the downconverter frequency mixer. For these reasons, withdrawal of the rejection is respectfully requested.

As to Claim 19, it depends upon Claim 15, which in turn depends upon amended Claim 14. And, it has been shown that amended Claim 14, as well Claim 15, is not anticipated. It therefore follows that Claim 19 can not be anticipated either. Notwithstanding, Borchardt fails to disclose a system for transmitting a modulated RF carrier audio signal from a base unit to a receiver unit having the novel and non-obvious elements of amended Claim 14 and Claim 15, including the single downconverter that does not need an IF signal, and wherein the receiver circuit control circuit produces a stable frequency signal which is used by the phase lock loop circuit as a reference frequency signal for the downconverter local oscillator.

As to Claim 20, it depends upon Claim 19, which in turn depends upon Claim 15, which is dependent on amended Claim 14. And, it has been shown that amended Claim 14, as well as Claims 15 and 19, are not anticipated. It therefore follows that Claim 20 can not be anticipated. Notwithstanding, Borchardt fails to disclose a system for transmitting a modulated RF carrier audio signal from a base unit to a receiver unit having the novel and non-obvious elements of amended Claim 14, as well as those limitations of Claims 15 and 19, including the single downconverter that does not need an IF signal, and wherein the reference

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frequency signal is adjustable by the receiver circuit control circuit to a desired tunable frequency signal, the desired tunable frequency signal enabling the local oscillator frequency signal to be matched with the modulated RF carrier audio signal in the downconverter mixer to produce the once downconverted, second signal reproducible by the electroacoustic transducers. For these reasons, the withdrawal of Claim 20 is respectfully requested.

The Examiner next rejects Claims 3 and 4 under 35 USC §103(a) as being unpatentable over Borchardt and in view of Atkinson (US 5,701,598). This rejection is traversed. The Examiner states that Borchardt discloses the limitations of Claim 1 as first presented and also discloses that the "micro control unit and control circuitry of the transmitting circuit second circuit comprises audio processing circuit UHF module."

Applicants do not disagree. Since Applicants' audio processing circuit UHF module is part of the transmitting circuit first circuit, the rejection should fail right here. Applicants' invention of Claim 3 is distinguishable from Borchardt in that the audio processing circuit UHF modules are of differing circuits, rendering Borchardt irrelevant as a primary reference in a proper §103 rejection. Notwithstanding, the Examiner further states that Borchardt fails to disclose a CPU of the micro control unit and control circuitry. Applicants agree with the Examiner. However, the Examiner feels that Atkinson discloses such and it would have been

obvious to make the combination to arrive at Applicants' invention of Claim 3. This is incorrect because, as a whole Borchardt and Atkinson fail to teach or suggest any combination of elements that would make the invention obvious within the meaning of 356 USC §103.

First, as stated above Borchardt fails to disclose that the audio processing circuitry is of the first circuit, and secondly Atkinson relates to scanning radio frequencies and not to a system for transmitting a modulated RF carrier audio signal from a base unit to a receiver. There is simply no motivation to pull a CPU element out of Atkinson and place it in an invention like Borchardt. The Examiner is not afforded the luxury of picking and choosing various elements

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from the prior art, like a template, to arrive at the claimed invention. There must be some motivation to make such combination. Here there is no such motivation. Withdrawal of the rejection to Claim 3 is respectfully requested.

As to Claim 4, it depends on Claim 3. And if Claim 3 is not obvious, then a claim dependent thereupon can not be obvious within the meaning of 35 USC §103 either. Therefore, Claim 4 is not obvious. Notwithstanding, Borchardt and Atkinson, as a whole, when combined fail to teach or suggest a system for transmitting a modulated RF carrier audio signal from a base unit to a receiver unit having the elements of amended Claim 1, including the single downconverter that does not need an IF signal, wherein the CPU comprises a micro control unit for sending a control signal to a phase lock loop circuit within the transmitting circuit UHF module. In fact, as admitted by the Examiner, Borchardt fails altogether to disclose a CPU and the Atkinson invention is not related to the transmitting of a modulated RF carrier audio signal. Therefore, the withdrawal of the rejection to Claim 4 is respectfully requested.

Next, the Examiner rejects Claim 10 under 35 USC §103(a) as being unpatentable over Borchardt and in view of Menkhoff (US 5,714,918). This rejection is traversed. The Examiner states that Borchardt discloses the limitations of Claim 1 as first presented plus the limitation of Claim 10, except that the amplifier circuit is not a monolithic integrated circuit. Applicants agree with the Examiner. The Examiner states that such monolithic integrated circuit can be found in Menkhoff. Applicants do not disagree that Menkhoff uses such circuit. However there is no motivation to combine the inventions of Borchardt and Menkhoff to arrive at the novel and non-obvious invention of Applicants' Claim 10. It is first remembered that Claim 1, of which Claim 10 depends upon, has been amended to include a system for transmitting a modulated RF carrier audio signal from a base unit to a receiver unit wherein a single downconverter is employed and no IF signal is required. Borchardt requires two

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downconverters and an IF carrier signal. Accordingly, critical limitations of Applicants' invention are not present even if motivation did exist to combine these two references. As a whole, the combination of Borchardt and Menkhoff does not make the invention of Claim 10 obvious within the meaning of 35 USC §103. Withdrawal of the rejection is respectfully requested.

The Examiner rejects Claims 12 and 16 under 35 USC §103(a) as being unpatentable over Borchardt and in view of Craft (US 3,678,403). These rejections are traversed. As to Claim 12, it once again pointed out that it depends on amended Claim 1 which describes a system for transmitting a modulated RF carrier audio signal from a base unit to a receiver unit wherein a single downconverter is employed and no IF signal is required. For this reason alone, the rejection should fail since neither reference discloses such. Notwithstanding the combination of Borchardt and Craft, as a whole, fail to teach or suggest a system for transmitting a modulated RF carrier audio signal from a base unit to a receiver unit wherein a single downconverter is employed and no IF signal is required and wherein the once downconverted signal has a frequency of 10.7MHz. The Examiner has drawn Applicants attention to column 7, lines 18-20 for support for the use of a 10.7MHz signal. However, Craft is an invention relating to variable gain amplifiers. And in fact, the reference to the 10.7MHz signal, as indicated by the Examiner, relates to the filtering out of said signal. Applicants have no desire, and therefore teach away from Craft, to filter out the 10.7MHz signal due to the fact that the 10.7MHz signal is the signal to be reproduced by the transducers. So where Craft wants to filter out, Applicants want to use and reproduce. Again, Applicants respectfully remind the Examiner that he can not merely use Applicants' invention as a template and pick and choose various elements from the prior out to make a §103 rejection.

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The courts have directly spoken on this issue.

"The mere fact that the prior art may be modified in the manner suggested by the examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. It is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious. One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." In re Fritch, 972 F.2nd 1260, at 1264 (CAFC 1992).

For all of these reasons, the withdrawal of the rejection to Claim 12 is respectfully requested.

As to Claim 16, it depends upon amended Claim 14 and merely adds a similar limitation as does Claim 10 to amended Claim 1. Accordingly, for all of the same reasons as directly stated above, Claim 16 can not possibly be obvious within the meaning of 35 USC §103. Withdrawal of the rejection to Claim 16 is respectfully requested.

Finally, the Examiner rejects Claims 18 under 35 USC §103(a) as being unpatentable over Borchardt and in view of Takaoka (US 3,798,550). This rejection too is traversed. First, Claim 18 depends on amended Claim 14 (through intervening Claim 17). And it has been shown that amended Claim 14 is not obvious within the meaning of 35 USC §103. Further Claim 17 has been rejected under 35 USC §103. It therefore follows that Claim 18 can not be obvious within the meaning of §103 either. Notwithstanding, Borchardt and Takaoka, taken as a whole, fail to teach or suggest a system for transmitting a modulated RF carrier audio signal from a base unit to a receiver unit wherein a single downconverter is employed and no IF signal is required and wherein the desired tunable frequency signal is locked in reaction to the phase lock loop circuit receiving a feedback signal from the local oscillator and which

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creates an error voltage. Again, Applicants respectfully draw the Examiner's attention to the In re Fritch case, cited above. Withdrawal of the rejection is respectfully requested.

In view of all of the above, Applicants believe that Claims 1-20 are now in condition for allowance. Such action is earnestly solicited.

Very truly yours,

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